

## **REMARKS**

### **Election**

In response to the Election of Species Requirement presented in the April 22, 2010 Office Action, applicants hereby elect leukemia as the type of cancer, and Gemcitabine as the further therapeutic agent. Claims 1, 4-15, 18-38, 43-47, 49-53, and 55-60 read on the elected species. However, the Election of Species Requirement is strongly traversed.

The election of species requirement is being made based on an assertion of lack of unity under PCT Rule 13.1. Since the instant application is a PCT national phase application under 35 CFR 371, PCT Rule 13.1 is not applicable.

Further, there is clearly no burden in examining the entire scope of the present claims since the entire scope has already been examined extensively. **Applicants have received no fewer than seven Office Actions on the merits.** Thus, there is no basis at this point in prosecution to assert that there is a burden imposed upon the USPTO in examining the entire scope of the pending claims.

Withdrawal of the Election of Species Requirement is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Brion P. Heaney/

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